



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,665	04/14/2004	Waichi Yamamura	12073-0006	4902
22902 7590 10/20/2008 CLARK & BRODY 1090 VERMONT AVENUE, NW SUITE 250 WASHINGTON, DC 20005				
EXAMINER LAZORCIC, JASON L				
ART UNIT		PAPER NUMBER		
1791				
MAIL DATE		DELIVERY MODE		
10/20/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/823,665

Applicant(s)

YAMAMURA, WAICHI

Examiner

JASON L. LAZORCIK

Art Unit

1791

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- Paper No(s) Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s) Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. **Claims 1-5, and 9-11** are rejected under 35 U.S.C. 103(a) as being unpatentable over Charles (3,275,470) and Takahashi et al. (Japanese Published Unexamined Patent Publication No. 10-226529; see English language translation) in view of Applicants admitted prior art (Page 1, line 11 to Page 2, line 10).

Applicant's specification teaches several key elements outlining the "usual practice" in the art of drawing optical fibers or "smaller-sized glass rods" from a glass rod or a "glass body having a cylindrical form" (also held equivalent to the claimed "glass preform" as per **Claim 10** or "glass ingot" as per **Claim 11**).

Applicants' specification specifically discloses that "the usual practice" in forming a smaller-sized glass rod from a glass matrix comprises;

1. "mechanically process a glass matrix into a perfectly round, cylindrical body by means of a cylindrical grinder"
2. After grinding, rinsing the cylindrical body with water and further subjecting said body "to chemical treatment such as with a hydrofluoric acid solution" or an aqueous solution of an alkali or acid (Japanese Laid-open Patent Application no. 58-217442)
3. "soften the body by application of heat", and
4. "elongate the softened body into a glass rod of high circularity"

The specification further teaches that it is known in the art that mechanical processing of a glass body as indicated above by means of a cylindrical grinder results in "surface roughness ... involving microcracks therein" or alternatively in "fixed grains on the surface thereof" as set forth in **claim 4**.

From Applicants above disclosure, it is accepted by the Examiner that essentially every element of at least **claims 1, 4, 5, 10, and 11** are considered old and well known in the art to one of ordinary skill except for the step of "applying pressurized steam to surfaces of said glass body".

The reference to Charles (3,275,470) teaches that it is advantageous to substitute or supplement the old and well known hydrofluoric acid solution treatment, with an aqueous steam treatment.

Similar to Applicants admitted prior art process (see Step 2 above), Charles recognizes that it is conventional practice to immerse abraded glass rods into a hydrofluoric acid bath or "an aqueous solution of an acid" in order to etch away surface damage (Column 1, lines 19-43). Although the conventional solution treatment provides a measure of strengthening particularly where the bodies "are subjected to abrasion or other surface damage" (e.g. as would be expected in the grinding process of Step 1 above), Charles teaches that it is particularly advantageous to also treat the body in an atmosphere containing 80 percent to 100 percent saturated steam. The reference indicates that providing such a treatment with steam in the temperature range between about 190°C to 260°C provides a substantial and enduring increase in the material strength (Column 21, Lines 29-64).

In view of the foregoing, it would have been an obvious matter for one of ordinary skill in the art at the time of the invention to substitute or supplement the old and well known acidic solution treatment with the steam treatment disclosed by Charles. Specifically, both the acid and steam treatments are recognized techniques for increasing the strength of an abraded glass body. The instant reference teaches that steam treatment yield a particularly advantageous strengthening results compared to the conventional acid solution treatment, however Charles recognizes that the steam

treatment "does not remove the initial surface damage to the glass body" (Column 2, lines 49-52).

It follows that one of ordinary skill in the art would be motivated use the steam treatment in place of the conventional acid treatment since such a substitution has been expressly contemplated by Charles and has been shown to yield a predictable and beneficial strengthening of abraded glass bodies. Alternately, one would be motivated to utilize the Charles steam treatment in addition to the conventional acid since the conventional treatment is known to remove the initial surface damage to the glass body while the steam treatment yields an enduring increase in the material strength.

In the absence of any substantially unexpected results to the contrary, the applicants steam conditions of between 120 and 160°C are understood to be encompassed by the range of about 190°C to 260°C as set forth by the Charles process. Further, where Charles teaches a saturated steam vapor pressure (e.g. 100 percent saturated) and applicants claimed pressure range of 0.27 MPa to 0.63 MPa simply represents 100 percent saturated steam in the claimed temperature range of between 120°C to 160°C, said pressure range is deemed prima facie obvious over the Charles disclosure [**Claims 2, 3**].

In summary, it would have been obvious to one of ordinary skill in the art at the time of the invention according to the Charles teachings to treat the surface roughened

glass rod to an aqueous acid solution after cylindrical grinding in order to etch away the surface damage and to provide a nominal increase in the material strength. Further, it would have been obvious to one of ordinary skill to perform the steam treatment after the acid treatment in order to provide an enduring increase in the strength of the glass body. Both of these treatments would have been obvious modifications to the prior art teachings in order to decrease the risk of glass breakage during the drawing process as indicated in the conventional glass drawing operation.

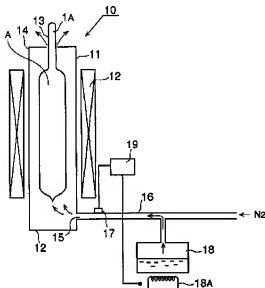
Applying steam by jetting against the glass body is obvious in view of Takahashi et al.

Now, although the process of applying a steam treatment to the surface of a fiber optic preform is deemed obvious for the reasons set forth above, the prior art of record is silent regarding application of the steam by "jetting against said glass body from at least one nozzle unit provided around said glass body" as presently claimed.

The reference to Takahashi et al. (Japanese Published Unexamined Patent Publication No. 10-226529; see English language translation) teaches (see ¶[0003-0004], ¶[0012-0013]) that dust adherent upon the exterior surface of optical fiber preforms can be incorporated into the optical fibers during the drawing operation. These incorporated dust particles decrease the strength of the optical fiber and result in an elevated probability that the fiber will break during drawing. In response to this recognized deficiency, Takahashi teaches a method for removing superficial dust on an optical fiber base material by treating the base material surface with steam. After

receiving the steam treatment, the base material is heated to a softening point and drawn into a fiber in a "subsequent and separate step".

Regarding application of the steam, Takahashi teaches (see excerpt figure 1 below) that steam is applied to the surface of the glass body (A) by "jetting" through a fixed nozzle or gas introduction hole (15) which is provided around the glass body.



The use of the Takahashi treating arrangement would have represented an obvious choice for one of ordinary skill in the art seeking to apply the recommended steam treatment of Charles in glass body elongation method of Applicants admitted prior art. Such an apparatus would further be recognized an obvious choice for one of ordinary skill in the art seeking to reduce breakage of the optical fiber preform during a subsequent drawing operation.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Charles (3,275,470), Takahashi et al. (Japanese Published Unexamined Patent Publication No. 10-226529; see English language translation), and admitted prior art as applied to claim 1 under 35 USC §103(a) and in further view of the apparatus as taught by Brauer (6,715,317).

While the Takahashi reference discussed above teaches application of steam "by jetting against the glass body from at least one nozzle unit provided around the glass body, said reference is silent regarding the claimed apparatus to perform the steam treatment using a nozzle unit in the form of a ring as required by claim 7 or that the nozzle unit is movable as required by claim 8.

In view of the Takashi and Charles references, it is evident that the technique of applying steam to the surface of a glass rod prior to a subsequent drawing operation is known in the art. It is the Examiners assessment, absent evidence of unexpected results to the contrary, that selection of an appropriate nozzle arrangement would reasonably fall within the purview of an engineer trained in the art of glass processing. A gas/fluid nozzle arrangement complying with Applicants claimed geometry and designated for treatment of a glass optical fiber preform is explicitly disclosed in the Brauer reference (see particularly figure 2).

Although preferred embodiments of the Brauer apparatus teach the use of nitrogen and helium gas as the applied fluid, the reference neither explicitly nor implicitly limits the nature of the gas applied to the glass surface. The reference further indicates (Column 4, Lines 58-63) that it is advantageous for the gas distribution to be movable along the longitudinal axis of the preform [Claim 8].

Brauer teaches that the disclosed gas applying nozzle arrangement is particularly beneficial in that it is capable of preventing deviations in the geometry of the glass body (col. 1, lines 41-43) during a subsequent drawing operation. It would have therefore been obvious to one of ordinary skill in the art at the time of the invention to employ the steam applying technique as taught by Takahashi with the structural details of the nozzle arrangement as taught by Brauer. Such a nozzle arrangement would have represented an obvious approach to achieve both the prior noted benefits of steam application while simultaneously minimizing oval deformation in the drawn body during a subsequent drawing operation.

Response to Arguments

Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON L. LAZORCIK whose telephone number is

(571)272-2217. The examiner can normally be reached on Monday through Friday 8:30 am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on (571) 272-1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason L Lazorcik/
Examiner, Art Unit 1791